

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES E. MEYER AND PEGGY LYNN
MEYER,**

Plaintiffs,

v.

**DELAWARE VALLEY LIFT TRUCK,
INC., MATERIAL HANDLING POWER
DESIGNERS, LLC, JOHN W. MEYER,
BARBARA A. MEYER, AND LAW
OFFICES OF BARRY F. PENN, P.C.,
Defendants.**

CIVIL ACTION

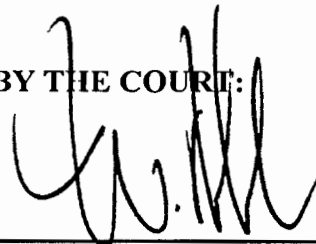
NO. 18-1118

ORDER

AND NOW this 7th day of June, 2019, upon consideration of the Motion to Dismiss filed by Delaware Valley Lift Truck, Inc. (DVLTL), Barbara A. Meyer, and John W. Meyer (ECF No. 46), the Motion to Dismiss filed by the Law Offices of Barry F. Penn, P.C. (ECF No. 48), and Plaintiff's responses thereto (ECF Nos. 52 & 53), **IT IS ORDERED** that the Motions are **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants' motions with respect to Counts Three, Four, Six, and Seven are **GRANTED**. The Counts are **DISMISSED WITH PREJUDICE**.
2. DVLTL, Barbara Meyer, and John Meyer's motion to dismiss Count Eleven is **GRANTED**. Count Eleven is **DISMISSED WITH PREJUDICE** as to DVLTL, Barbara Meyer, and John Meyer.
3. The Law Offices of Barry F. Penn's motion to dismiss Count Eleven is **GRANTED** as to conspiracy but **DENIED** as to aiding and abetting. The conspiracy portion of Count Eleven is **DISMISSED WITH PREJUDICE** as to the Law Offices of Barry F. Penn.
4. Defendants' motions with respect to Counts One, Two, Eight, Nine, and Ten are **DENIED**.

BY THE COURT:



WENDY BEETLESTONE, J.